

NOV 30 2004

Docket No.: VAS-5041CIP2

Certificate of Mailing/Transmission (37 C.F.R. § 1.8(a)):

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[X] Pursuant to 37 C.F.R. § 1.6(d), I hereby certify that this paper and all enclosures are being sent via facsimile on the date indicated below to the attention of Examiner Brian E. Pellegrino at Facsimile No 703-372-9306.

Dated: November 30, 2004

Name of Person Certifying:
Printed Name:

Guy Cumberbatch
Guy Cumberbatch

BEFORE THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Shannon

) Group Art Unit: 3738

Application No.: 09/997,829

) Examiner: Brian E. Pellegrino

Filing Date: November 29, 2001

For: RADIALY EXPANDABLE
TUBULAR STENT GRAFTS

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF UNDER 37 C.F.R. §41.37

Dear Sir:

This is an appeal from the final rejections of claims 103-119 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,700,285 to Myers, et al. in view of U.S. Patent No. 4,131,648 to Choi, et al. For the reasons discussed below, Applicants request reversal of the rejection and allowance of the claims.

The Notice of Appeal was filed on October 4, 2004, making this Appeal Brief timely.

REAL PARTY IN INTEREST

The real party in interest is Edwards Lifesciences Corporation of Irvine, California.

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Application No.: 09/997,829
Filing Date: November 29, 2001
Appeal Brief filed November 30, 2004
Responsive to Final Office Action Dated June 2, 2004

FEES


The Commissioner is hereby authorized to charge the Appeal fee under 37 C.F.R. §§41.20(b)(2) to Deposit Account No. 50-1225.

If an appropriate payment does not accompany or precede this submission, the Commissioner is hereby authorized to charge any required fees, such as under 37 C.F.R. §§ 1.16 or 1.17, including any petition for extension of time, or to credit any overpayment, to Deposit Account No. 50-1225.

Respectfully submitted,

Date:

November 30, 2004



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